

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WILLIAM DAVID EVANS, JR.,)	
)	
Petitioner,)	
vs.)	NO. CIV-14-0576-HE
)	
JASON BRYANT, Warden,)	
)	
Respondent.)	

ORDER

Petitioner William David Evans, Jr., a state prisoner appearing *pro se*, filed this action pursuant to 28 U.S.C. § 2254 seeking habeas relief. Consistent with 28 U.S.C. §636(b)(1)(B) and C, the matter was referred to Magistrate Judge Bernard M. Jones for initial proceedings. The court previously adopted the magistrate judge's Report and Recommendation in which he concluded that petitioner's claims were not procedurally barred. After receiving a supplemental response from the respondent,¹ the magistrate judge has now issued a thorough Supplemental Report and Recommendation, in which he concludes that the petition should be denied.

Neither party objected to the Supplemental Report and Recommendation.² They

¹*The magistrate judge noted that petitioner was given the opportunity to file a reply but failed to do so.*

²*The court notes that the last mailing sent to petitioner was returned as undeliverable. However, it is the obligation of the parties, including pro se litigants, to inform the court of changes in their address. See LCvR5.4 ("All papers shall contain the name, mailing address, daytime telephone number, fax number, and e-mail address, if any, of the attorney or pro se litigant. If any of this information changes, the attorney or pro se litigant must notify the court by filing the form provided by the clerk and serving a copy on opposing counsel or pro se parties. Papers sent by the court will be deemed delivered if sent to the last known address given to the court.").*

thereby waived their right to appellate review of the factual and legal issues it addressed.

Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. §636(b)(1)(C).

Accordingly, the court **ADOPTS** Magistrate Judge Jones's Supplemental Report and Recommendation and **DENIES** the habeas petition.

IT IS SO ORDERED.

Dated this 11th day of January, 2017.


JOE HEATON
CHIEF U.S. DISTRICT JUDGE